



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Health Research Associates--Reconsideration

File: B-238694.3

Date: July 30, 1990

George E. Crevar, for the protester.
Linda C. Glass, Esq., and Michael R. Golden, Esq., Office of
the General Counsel, GAO, participated in the preparation of
the decision.

DIGEST

A contractor adversely affected by a prior General Accounting Office decision is not eligible to request reconsideration of the decision where the firm was aware of the original protest but did not participate in the protest proceedings.

DECISION

Health Research Associates requests reconsideration of our decision in National Medical Staffing, Inc.; PRS Consultants, Inc., B-238694; B-238694.2, June 4, 1990, 69 Comp. Gen. ___, 90-1 ¶ ___. In that decision we sustained the protests by National Medical and PRS against the award of a contract to Health Research under request for proposals (RFP) No. DABT43-90-R-0022 issued by Department of the Army as a total small business set-aside for the services of three pharmacists. We found the Army's evaluation of Health Research's proposal unreasonable because Health Research failed to provide the required resumes of the pharmacists who would actually perform the services, consequently the Army could not properly determine whether Health Research met the RFP's requirements. We further found that Health Research took exception to the mandatory requirement of the RFP to expend, on a small business set-aside solicitation for services, at least 50 percent of the cost of personnel for the successful contractor's own employees. We recommended that the Army terminate for convenience the award to Health Research and award the contract to National Medical.

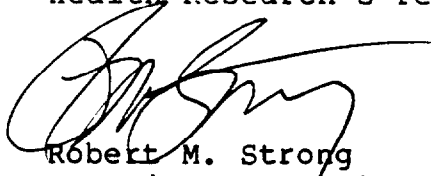
In its request for reconsideration, Health Research asserts that it intends to satisfy the RFP's requirement concerning subcontracting limitations and that its pharmacists'

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credentials have been previously verified. We dismiss the request for reconsideration because Health Research is not eligible to seek reconsideration.

Our Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1990), permit the protester and "any interested party who participated in the protest" to request reconsideration. In promulgating section 21.12 of our Regulations, we intended to limit those who could request reconsideration of a protest decision to parties who had a sufficient interest in the matter, and who had engaged in the effort necessary to reasonably participate in the protest process before a decision was reached, thus minimizing the possible disruption to the procurement process that could arise from a decision on reconsideration. The rationale behind this provision is also consistent with our belief that to the maximum extent possible our decisions should be final, thereby insuring the prompt and meaningful resolution of bid protests. Sippial Elec. & Constr. Co., Inc.--Recon., B-229839.2, Apr. 26, 1988, 88-1 CPD ¶ 406.

Accordingly, we have held that where a party is on notice of a protest, that party's failure to participate in the original proceedings precludes it from requesting reconsideration. J.W. Cook, Inc.--Request for Recon., 67 Comp. Gen. 366 (1988), 88-1 CPD ¶ 319. Although Health Research maintains that it did not receive notice of the protests, it admits in its reconsideration request receiving a copy of a letter, dated April 17, 1990, from the Army to our Office seeking dismissal of the National Medical protest. In addition, Health Research was sent a copy of the agency's report responding to the protests which thoroughly discussed the facts and issues involved. Health Research, however, chose not to exercise its rights to address the issues raised in these protests. Consequently, Health Research's request for reconsideration is dismissed.



Robert M. Strong
Associate General Counsel